**Keifer Kanayurak**

**Air Permit/ Stationary Sources**

**Summary:**

1. Air permits were developed under the Clean Air Act to regulate the emission of criteria air pollutants in order to maintain healthy air quality and improved visibility.

**Permits:**

1. Title I Permit
   1. Construction permits
   2. Minor Sources (Part 70 State Operating Permits)
2. Title V Operating Permit
   1. Major Sources (Part 71 Federal Operating Permits)
   2. New Source Review
      1. PSD
      2. Nonattainment NSR
   3. Hazardous Air Pollutants
   4. Affected sources under the Acid Rain Rules
   5. Solid Waste Incineration Units
   6. Certain synthetic minor sources

**APPLICABILITY**

1. Any major source that has actual or potential emission at, or above, the major source threshold for any “air pollutant.”
   1. major source threshold = 100 tons/year
2. Lower thresholds apply to non-attainment area
   1. different thresholds exist based upon (1) pollutant type and (2) severity designation of non-attainment area
3. Major source thresholds for “hazardous air pollutants” (HAP)
   1. threshold for single HAP = 10 tons/year
   2. threshold for any combination of multiple HAPs = 25 tons/year
4. New Source Review Program
   1. Development of a new major source or modification of an existing major source within area(s) that meet National Ambient Air Quality Standard (NAAQS) requires a Prevention of Significant Deterioration (PSD) permit.
      1. Attainment - air quality is better or equal to the NAAQS
      2. Unclassifiable - there is not air quality data for the area in question
   2. Nonattainment NSR permits are required for new major source development or modifications to major sources in area(s) that do(es) not meet NAAQS. More stringent than a PSD permit and its purpose is to achieve attainment under the NAAQS.
      1. Nonattainment - air quality is not up to NAAQS and measures must be taken to decrease air pollution to attain NAAQS
   3. Minor NSR permits apply to sources or areas that don’t require a PSD permit nor a Nonattainment NSR permit and its purpose is to prevent the need for the above permits (only requires a title V permit if subject to NESHAP).
5. “Affected Sources” under Acid Rain Rules (est. under the 1990 Clean Air Act Amendments (CAAA))
   1. major reduction of sulfur dioxide (SO2) and nitrogen oxides (NOx)
   2. permanent cap on SO2 emissions from electric generating units (EGUs)
      1. 2010 SO2 cap at 8.95 million tons (about ½ of the total 1980 emissions originating from the power sector)
   3. NOx reductions are based on the traditional, rate-based regulatory system
6. Solid Waste Incineration Units under section 129 of the CAA
   1. regardless of size
      1. municipal waste combustion
      2. hospital/medical/infectious waste combustion
      3. commercial and industrial solid waste incinerators
      4. other solid waste incinerators
      5. sewage sludge incinerators
7. Non-Major Sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAP)
   1. Hazardous waste combustors
   2. Portland cement manufacturers
   3. Mercury cell chlor-alkali plants
   4. Secondary lead smelters
   5. Carbon black production
   6. Chemical manufacturing: chromium compounds
   7. Primary copper smelting
   8. Secondary copper smelting
   9. Nonferrous metals area sources: zinc, cadmium, & beryllium
   10. Glass Manufacturing
   11. Electric Arc Furnace (EAF) Steelmaking Facilities
   12. Gold Mine Ore Processing and Production
8. Certain Synthetic Minor Sources
   1. chemical manufacturing

**PROCESSING TIMES**

1. The timeline to obtain a permit can depend upon the type of permit as well as the agency performing the evaluation.
2. Normally, the larger the impact and the more federal involvement, the longer it will take to process your permit (one to two years depending upon revisions, level of emission, type/ variety of emission(s), etc.).
3. The length of time necessary for a state agency to process your permit can depend upon similar aspects (upwards of six months, in most cases).
4. For smaller, local, state, or tribal permits, evaluation periods could be as brief as a few weeks (or even less).

**Agency Coordination:**

Mainly state or local agencies will handle permits pertaining to air pollutants under Part 70 (State Operating Permits Program) of the CAA.

Sometimes the Environmental Protection Agency (EPA) will handle permits pertaining to air pollutants in such cases where the state has not met the requirements under Part 70 of the CAA. In which case, it would be permitted under Part 71 of the CAA, as a federal operating permit.

Department of Environmental Conservation (DEC), ...Quality (DEQ), ...Protection (DEP), are some common state environmental agencies.

Most permits are handled by the state or local agency but the EPA can also oversee permits through one of its ten regional offices.

**Information Necessary:**

**Part 70 Permits**

A permit application to be submitted to the appropriate agency (state, local, or EPA, depending) with such information as:

1. identifying information (company name, address or plant name and location address if different than the company’s),
2. description of source’s processes and products (as defined by the Standard Industrial Classification (SIC) Code),
3. emission related information (major source pollutants, source points, emission rate(s), current control technology (if any), etc.),
4. applicable air pollution requirements (i.e. citation and description of requirements),
5. any applicable exemptions to air pollution requirements,
6. compliance plan to meet requirements,
7. requirements for compliance certification (i.e. a statement of methods for meeting compliance),
8. nationally-standardized forms for the acid rain portion of the permit application.

In order to obtain the required information (or guidance) listed above, one can contact their state or local agency. The appropriate agency will be able to handle the administrative procedures necessary to fulfill the requirements of the permit application.

**Special definitions**

Attainment Area - is an area that meets the NAAQS

Unclassifiable Area - is an area that does not have air quality data

Nonattainment Area - is an area that does not meet NAAQS (where additional measures must be taken to decrease air pollutants in order to meet attainment)

**Enforcement and Penalties:**

If all permit application (or existing violation) fees have not been paid, then the permit will be suspended until the source’s fees have been paid (or compliance has been met). For violations (as defined under the CAA), the EPA can assign financial penalties to the agency in noncompliance at a value based upon (e.g.) individual violations, source type, severity, or financial gain as a result of the violation(s).

**REGULATIONS (CFR)**

Part 70: State Operating Permit Programs

[PART 70—STATE OPERATING PERMIT PROGRAMS](https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=3a7e222592f9ef7e6e1496363b640130&tpl=/ecfrbrowse/Title40/40cfr70_main_02.tpl)

Part 71: Federal Operating Permit Programs

[PART 71—FEDERAL OPERATING PERMIT PROGRAMS](https://www.ecfr.gov/cgi-bin/text-idx?SID=f4028d3426eae5a98140edfc13b45ba8&mc=true&tpl=/ecfrbrowse/Title40/40cfr71_main_02.tpl)

**Other Resources**

[United States Environmental Protection Agency | US EPA](https://www.epa.gov/)

[govinfo | US Government Publishing Office](https://www.govinfo.gov/)

**Questions**

1. Q: What are the two main types of permits referenced?

A: The title I and title V.

1. Q: Can you list one of the two codes referenced from the CFR?

A: Part 70: State Operating Permit Programs or Part 71: Federal Operating Permit Programs

1. Q: What are the two emission compounds that qualify as “Affected Sources” under the Acid Rain Rules?

A: Sulfur dioxides and Nitrogen Oxides.